

The following are the Questions, and corresponding Answers, submitted in response to RFP DOC52PAPT0601001. These Questions and Answers are provided for information only. None of these answers revises or changes the RFP. The RFP can only be revised by a formal amendment of the solicitation. Similarly, there is no extension to the closing date of the RFP as the closing date can only be extended by formal RFP amendment. This posting is not a formal amendment to the solicitation.

QUESTIONS AND ANSWERS (PART II)

Q1) Section L.4 Past Performance: Can the Prime and Sub both submit past performance under this requirement or should it only be from the Prime?

Answer: Past Performance can be submitted for both a Prime and a Subcontractor.

Q2) Past Performance: What evaluation rating will relevant experience get compared to size?

Answer: Past Performance is an evaluation factor; a rating will be assigned at the factor level. Evaluation will consist of the relevance of an offeror's past performance and the quality of the offeror's past performance and experience. As stated in the RFP, the USPTO reserves the right to determine which contract references are relevant to the requirement. Ref. RFP §L.4.3..

Q3) Export Control: What are the implications of export control and its governing laws with respect to work to be performed outside of USA?

Answer: Export control laws are not applicable to this procurement. If an offeror proposes to perform services under any resulting contract outside of the United States, the offeror must be prepared to address any issues regarding the safeguarding of deliverables to the USPTO.

Q4) What is the percentage of PG PUBS vs Mature patents to be reclassified?

Answer: All patent documents prior to March 15, 2001, when PGPubs patent application publications began being published, will be granted patents. The percentage of PGPubs vs. granted patents that will need to be reclassified in any given project will vary widely depending on the particular technology involved. In an emerging or rapidly developing technology, e.g., business methods, there may be relatively few granted patents in existence for reclassification. For more mature technologies with large numbers of granted patents before March 15, 2001, the percentage of PGPubs documents may be relatively low overall.

Overall, in 2005 the allowance rate for patents was 58%, the lowest figure since records began to be kept. In 1990, for example, the allowance rate was 70%.

Q5) Which technology centers are encompassed?

Answer: All technology centers are encompassed

Q6) Do you have an estimate as to the percentage of work for each Tech Center?

Answer: No.

Q7) The RFP Section L.4.2 states "For proposals in response to Option A (CLINs 1, 2 and 3) or Option C (CLINs 1, 2, 3 and 4), the Offeror shall provide work sample as a separate volume with a brief discussion, not to exceed 500 words, of the approach used in

developing the classification schedule." Can this be provided as a section within Volume I, or is it to be provided as a separate bound volume?

Answer: The solicitation requires a separate volume.

Q8) USPTO has provided Independent Government Estimate of \$23.0 million for the value of this contract over the first 5 award years. How did USPTO arrive at this estimate - was it based on current internal costs for the tasks specified in this RFP, and did USPTO carry out an A-76 procedure to arrive at this figure?

Answer: Government employee productivity levels, GS salary rates consistent with the skill level required, and best approximations of contractor burdens was used to develop the independent government estimate. An A-76 study was not conducted.

Q9) Section B.2: Does USPTO expect Contractors to bid based on the maximum volumes specified for each CLIN in each Contract Period?

Answer: With regard to quantities, the contractor's offer should be based on the following:

- Contractors are guaranteed that the minimum quantities identified will be ordered by the government.
- The maximum quantities reflect the maximum that the Government could order.
- The Government expects offerors to bid on a per unit basis as indicated in the Schedule (\$B).

Can USPTO provide any background details as to how they arrived at the volume estimates in the current RFP, as the maximum levels for each CLIN are significantly reduced from those given in the previous RFP?

Answer: The quantities in RFP DOC52PAPT0601001 reflect a reassessment of USPTO needs since release of the previous RFP.

Q10) In order to assist the contractors in planning the necessary technology skill sets, will USPTO, on or before the date of award, be able to provide a priority list and breakdown of the technology areas for the classification projects that will be sent to the contractor in contract period I?

Answer: Once the contract is awarded USPTO intends to provide the Contractor with one or more start-up projects, to be followed by a list of planned projects and estimated start dates. The contents of the project list and start dates will depend upon the particular option(s) awarded (i.e., option A, B, or C).

Q11) In order to assist the contractors in creating an appropriate staffing and production plan, will USPTO be able to provide an approximate batch size (number of units per task order), or range of batch sizes, by CLIN?

Answer: The project list described above will include the initial proposed scope for each project, from which the number of patent documents can be approximated. The reclassification work will additionally cover new patent documents published between the time that the project list is compiled and up to 6 months after the project is completed.

Q12) The current solicitation (Sec. B.2) indicates that an offeror may propose on Option A (initial classification, schedule testing, and project documentation development), Option B (document reclassification), and/or Option C (both A and B). Section L.2 indicates that a single award may be made on each Option. If award on Option C is made, will that displace any offers and/or awards for A and/or B?

Answer: The USPTO reserves the rights to:

- Award only Option C
- Make single awards for Option A, B, and/or C
- Make multiple awards on Options A, B, and/or C

Q13) Section B.7: In this Section it is stated that each Task Order will include a government provided project plan with milestones and a final deadline. Will USPTO discuss milestone dates and the final deadline date with the contractor before finalizing the Task Order?

Answer: Contractor input will be considered, however USPTO will make a unilateral determination of deadlines and milestones.

Q14) For each CLIN description in this section, there is the statement "The first Task Order for reclassification work under the contract will be considered as a start up and training period, and no errors will be assessed against the contractor." Will USPTO issue payment at the contracted rate for delivery of this first Task Order, and will Timeliness Performance criteria still be applied to this first Task Order?

Answer: Payment will be issued for the first Task Order. Timeliness Performance criteria will not be assessed for the first Task Order.

Q15) Section C.3.2: At C.3.2.1 there is the statement: "At the option of the Government, the contractor also may be required to provide all required classifications during the testing phase." Can USPTO provide an estimate of the number or percentage of Task Orders where this requirement will be provided? Additionally, can USPTO indicate whether the purpose of this is to identify cross-references out of the CLIN set to other sections of the US Classification, whether it is to focus on documents classified OR elective that have XRs into the current CLIN set, or both?

Answer: Under CLIN 2, the contractor will usually be required to fully classify the documents during the test. In some cases the contractor will only be required to provide the OR or Primary classifications. The primary purpose of this CLIN is to test the new schedule and definitions for determining hierarchical problems or other flaws, and to correct and refine the schedule as necessary. However, in accordance with section C3.2.1, if either the Primary or OR classification of a document should be assigned to another area of the US Classification, the contractor is expected to assign the appropriate existing classification to the document. If "transfer out" documents are due to problems or flaws in the schedule or definitions (section 3.2.2), the contractor "should contact the Government immediately and provide a statement of the problem and suggested adjustments to the schedule(s) and /or definitions.". Normally, only patents and PGPubs that are currently classified as Originals or Primaries in the project area are classified during the test.

Q16) Section F.2: In relation to the effective period of the contract, can USPTO provide any information on when they expect a successful contractor to start work on the first Task Order?

Answer: USPTO's intent is to issue the first Task Order shortly after award. The USPTO expects the successful contractor to start work on the first issued task order immediately thereafter.

Q17) Section J.1.3 - Reclassification Test Sample: USPTO quality expectations outlines in Section C of the RFP emphasize the importance of consulting with the relevant Government experts wherever possible in successfully completing the Task Orders for each CLIN. Since the vital interaction with Government experts will not be an option for prospective contractors submitting the Test Sample, will USPTO expectations for the error rate in the Test Sample be adjusted below the 95% error free rate specified in this section?

Answer: The Test Sample is intended to demonstrate the ability of the prospective contractor to follow established classification standards elaborated in the guides and guidelines referred to in the RFP, and the error free rate of 95% would apply. During the contract period, regular consultations with the government experts is intended mainly to ensure that the new classification scheme meets the needs of the examiners who will use the new scheme. See Section M.5.B. Reclassification Test Results.

Q18) Section H.10, Section C.2.2.1 of the RFP states that "connectivity to the internal USPTO automation systems is neither required nor will it be provided." Is H.10 therefore relevant to this RFP, and should it be removed?

Answer: Although the contractor will not have access to USPTO automated information systems, clause H.10 will remain in the resultant contract because that clause sets forth contractor requirements for security and background checks.

Q19) Section L.4: USPTO states in L.4.3 that a Past Performance Statement must be submitted as part of this proposal. Is it possible to submit subcontractor Past Performance references as part of this Statement?

Answer: Yes.